

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2007-0053**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN
FOR THE SAN FRANCISCO BAY REGION (BASIN PLAN) TO ESTABLISH
A TOTAL MAXIMUM DAILY LOAD (TMDL) AND IMPLEMENTATION PLAN
FOR PATHOGENS IN THE NAPA RIVER WATERSHED

WHEREAS:

1. The San Francisco Bay Regional Water Quality Control Board (San Francisco Bay Water Board) adopted a revised Basin Plan on June 21, 1995, approved by the State Water Resources Control Board (State Water Board) on July 20, 1995, and approved by the Office of Administrative Law (OAL) on November 13, 1995, and has since been revised.
2. On November 13, 2006, the San Francisco Bay Water Board adopted [Resolution No. R2-2006-0079 \(Attachment\)](#), amending the Basin Plan to establish a pathogen TMDL for the Napa River Watershed.
3. The San Francisco Bay Water Board held public hearings on April 12, 2006 and June 14, 2006 to consider the Basin Plan amendment. At the June 14, 2006 public hearing, the San Francisco Bay Water Board took action to adopt the Basin Plan amendment through [Resolution No. R2-2006-0043](#). Such action did not fully comply with Water Code section 13244 as the notice of public hearing was not published in any newspaper. On August 31, 2006, the Basin Plan amendment, Staff Report, and Environmental Checklist were therefore re-noticed, including the required newspaper publication, for public review and comment. It was presented for San Francisco Bay Water Board action at its November 2006 meeting, after compliance with all procedural requirements, including Water Code section 13244. The Basin Plan amendment was adopted on November 13, 2006.
4. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that Regional Water Quality Control Boards may revise Basin Plans, and section 13242, which requires a program of implementation of water quality objectives. The State Water Board also finds that the TMDL as reflected in the Basin Plan amendment is consistent with the requirements of federal Clean Water Act section 303(d).
5. The San Francisco Bay Water Board found that the analysis contained in the TMDL staff report, supporting documentation, the California Environmental Quality Act (CEQA) Checklist, and the response to comments comply with the requirements of the State Water Board's certified regulatory CEQA process as set forth in California Code of Regulations, Title 23, section 3775, et seq.
6. The San Francisco Bay Water Board has duly considered the Environmental Checklist, Staff Report, and supporting documentation with respect to environmental impacts and finds that the Basin Plan amendment will not have a significant impact on the environment. Therefore, no alternatives or mitigation measures are required or proposed. The San Francisco Bay Water Board found that the Basin Plan amendment will result in no potential for adverse effects on wildlife. The San Francisco Bay Water Board has also considered

the environmental analysis contained in the Staff Report of the reasonably foreseeable methods of compliance with the Basin Plan amendment, including economics.

7. The San Francisco Bay Water Board found that the Basin Plan amendment will ensure the reasonable protection of the beneficial uses of surface waters within the Region, and is consistent with the state Antidegradation Policy ([State Water Board Resolution No. 68-16](#)) and federal antidegradation requirements.
8. This Basin Plan amendment does not become effective until approved by the State Water Board and OAL. The TMDL must also be approved by the U.S. Environmental Protection Agency (U.S. EPA).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan as adopted under San Francisco Bay Water Board [Resolution No. R2-2006-0079](#).
2. Authorizes the Executive Director or designee to submit the amendment adopted under San Francisco Bay Water Board [Resolution No. R2-2006-0079](#) to OAL for approval of the regulatory provisions and to U.S. EPA for approval of the TMDL.

CERTIFICATION


The undersigned, Acting Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on September 4, 2007.

AYE: Gary Wolff, P.E., Ph.D.
Arthur G. Baggett, Jr.
Charles R. Hoppin
Frances Spivy-Weber

NO: None

ABSENT: Tam M. Doduc

ABSTAIN: None



Jeanine Townsend
Acting Clerk to the Board